



Response Under 37 C.F.R. § 1.116 Expedited Procedure Examining Group 1651

PATENT Attorney Docket 061351-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Applicati	ion of: Paul L. Kornblith)		
Application No. 09/040,161)	Group Art Unit: 1651	
Filed: March 17, 1998)	Examiner: Ralph J. Gitomer		
For:	Biologi	l for Preparing Cell Cultures From cal Specimens for Chemotherapeutic her Assays)))		
U.S. 2011 Cust Cryst	Patent an South Cl omer Wi	r for Patents d Trademark Office ark Place ndow, Mail Stop AF Two, Lobby, Room 1B03			
Sir:		TRANSMITTAL F	<u>ORM</u>		
1.		Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Office Action dated June 6, 2004 and a Notice of Appeal, along with a Petition for Extension of Time			
2.	Extens	sion of Time			
	_	The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.			
	\boxtimes	Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:			
		two months	\$	215.00	
	If an a	dditional extension of time is required, please	conside	er this a Petition therefor.	
4.	Fee Pa	ayment			
	\boxtimes	The Commissioner is hereby authorized to c	harge tl	ne amount of \$385.00 for	

two-months extension of time (\$215) and a Notice of Appeal (\$170) to

Deposit Account No. 50-0310.

5. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: November 3, 2004

By:

Suzanne Ziska Reg. No. 43,371

Customer No. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Telephone: (202) 739-3000 Facsimile: (202) 739-3001